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UNCLAS KUWAIT 001768

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STATE FOR NEA/ARP AND JBOGER EB/TPP/IPE; USTR FOR JENNIFER  
GROVES AND JASON BUNTIN

E.O. 12958: N/A  
TAGS: [ECON](#) [ETRD](#) [KIPR](#) [PGOV](#) [KU](#)  
SUBJECT: KUWAIT FOLLOW-UP ON 2007-2008 SPECIAL 301  
INITIATIVE

REF: A. STATE 107629  
[1](#)B. STATE 158938

[1](#)1. Summary: The 2007 Special 301 Report placed Kuwait on the Watch List. Kuwait has continued to make progress in the areas that were identified for improvement. The most noticeable improvements have been in the area of enforcement.

A significant increase in frequency and scope of raids and seizures has contributed to a noticeable decrease in display of counterfeit items in local shops and malls. However, many shops still continue to store and sell counterfeit items from backrooms. Kuwait has not yet passed any amendments to IP laws although most of the amendments have been drafted and forwarded for review. Ratification of WIPO treaties has also been a slow process in Kuwait. GOK has not yet ratified any WIPO internet treaty but is reviewing Kuwaiti laws to address WIPO requirements. End Summary.

Draft amendments to IP legislation

[1](#)2. Kuwait has drafted amendments to IP legislation (copyright, trademark and patent laws) that are currently in the Cabinet Council for review. GOK does not have a timeline as to when these bills will be presented to the National Assembly for approval. Post is not optimistic that these laws will be passed before April 2008.

Continued improvements in IPR enforcement

[1](#)3. Kuwait has made significant strides in improving the IPR enforcement mechanism in all relevant departments and agencies in the GOK. Ministry of Commerce and Industry (MOCI), Ministry of Information (MOI), and Kuwait Customs have all established IPR enforcement offices that have trained personnel to conduct raids, identify pirated goods, and conduct arrests and seizures. In 2005, Customs established an IPR group dedicated to identifying pirated items at the land, sea and airports. This group is active in conducting inspections at the ports. From 2006 to 2007, there has been a significant increase in the number of raids and inspections conducted by the GOK. According to MOCI statistics, MOI and MOCI have increased the frequency and scope of their raids, which have resulted in significant arrests and seizures. In 2006, MOI referred 546 cases to commercial prosecution and closed down 30 shops. MOCI conducted 42 raids between January and May 2007 compared to 57 raids in all of 2006. These raids have yielded several hundred thousands of counterfeit CDs, DVDs, video games and other electronic items.

[1](#)4. The GOK has not, however, issued sentencing guidelines to judges to ensure that violators are adequately prosecuted and penalized. Insignificant monetary penalties and no mandatory jail time have rendered arrests and prosecutions meaningless. Current penalties do not serve as a deterrent to violators.

According to MOCI, draft amendments to IP laws include stricter penalties including mandatory minimum penalties and jail time for serial offenders.

Need to ratify and implement WIPO internet treaties

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15. The GOK has not yet ratified any WIPO internet treaty. GOK is reviewing its current laws to determine what amendments are needed before ratifying WIPO internet treaties (WCT and WPPT). According to MOCI officials, GOK will ratify and implement all relevant WIPO treaties once current laws are amended to meet WIPO requirements.

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